

REMARKS

Attorney for applicant has carefully reviewed the outstanding Office Action on the above-referenced application. Applicant has amended Claims 1 and 4.

The Examiner has rejected Claims 1-5 under 35 U.S.C. § 112, second paragraph, as being indefinite. In response thereto, Claims 1 and 4 have been amended to address the rejections. Specifically, applicant's attorney notes that the rib on the insert is located in the groove of the insert, as shown in Fig. 3B. Applicant's attorney notes that support for the amendment to Claim 1 can be found in at least the originally filed drawings (e.g., Fig. 2B).

The Office Action fails to specify the disposition of Claim 12, which was previously presented in applicant's Amendment of September 26, 2007. Claims 1-5 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer U.S. Patent No. 3,322,288 in view of Bogar, Jr. U.S. Patent No. 4,108,313. Applicant respectfully traverses this rejection for the following reasons.

The present invention, as recited in amended independent Claim 1, relates to a device for detachably holding a transverse rod supported by at least two supporting arms. The device includes an adaptor (5) having a basic body (50) and an arcuate cutout (51) with a through-passage direction (R) situated transversely to the supporting arm (3,3) and axially to the secured transverse rod (7). The adaptor (5) also includes a first upwardly extending prong (54) passing on one side round the cutout (51) and including a first free upper end, and a second upwardly extending prong (54) passing on an opposite side round the cutout (51) and including a second free upper end, a **first lug (52)** projecting from the

first free, upper end of the prong (54), and a **second lug (52)** projecting from the second free, upper end of the prong (54), the first and second lugs being directed toward one another and into the cutout (51).

The device also includes an insert (6) having a half-shell shape and includes two upper ends (60,61) projecting into the room and leaving between the two upper ends (60, 61) the opening. The insert also includes a curved inner face (63) and a curved outer face (64), **a groove (65) extending circularly on the outer face (64), terminating adjacent to the upper ends (60,61)** and sized and shaped so as to partially receive the adaptor (5), **a first aperture (62)** present at one end of the groove (65) and sized and shaped so as to engage the first lug (52), and **a second aperture (62)** present at the opposite end of the groove (65) and sized and shaped so as to engage the second lug (52). As a result of applicant's novel arrangement, a transverse rod can be secured against rotation in view of the lugs.

It is respectfully submitted that the Mayer patent and the Bogar, Jr. patent, whether considered individually or in combination with each other, do not anticipate or make obvious the present invention as recited in amended independent Claim 1. For instance, the Mayer patent discloses a clothing display rack assembly, which includes adaptor units 6a, 6b, 6c with neck portions 28 (which the Examiner equates to as the adaptor of the present invention) and hangrod receiving members 40a, 40b, 40c (which the Examiner equates to as the insert of the present invention).

The Examiner concedes that the Mayer patent fails to disclose the adaptor and the insert recited in Claim 1. Specifically, the Mayer patent fails to disclose or suggest an adaptor with a **first lug** projecting from the first free, upper end of the prong, and a

second lug projecting from the second free, upper end of the prong, the first and second lugs being directed toward one another and into the cutout. Because the adaptor units (neck portions) 28 disclosed in the Mayer patent are provided to support the associated hangrod receiving members 40a, 40b, 40c and not to engage the hangrod 1, it would be superfluous to modify the adaptor units 28 to include lugs. Also, because only the bottom portion of the hangrod 1 is in indirect contact with the adaptor units 28, any such lugs formed on the adaptor units 28 would not serve any practical purpose.

In addition, the Mayer patent fails to disclose or suggest an insert that includes two upper ends and a groove that terminates adjacent to the upper ends. Each of the hangrod receiving members 40a, 40b, 40c disclosed in the Mayer patent includes a countersunk opening 42 opposite a recess 36 formed in the neck portions 28. The countersunk opening 42 does **not** terminate adjacent to the upper ends of the hangrod receiving members 40a, 40b, 40c. Rather, the countersunk opening 42 is formed only in a bottom portion of the hangrod receiving members 40a, 40b, 40c.

Because the hangrod receiving members 40a, 40b, 40c are anchored to the bases of the associated adaptor units (neck portions) 28 by rivets 45, it would be superfluous to modify the opening 42 of the Mayer patent so as to extend adjacent to the upper ends of the hangrod receiving members 40a, 40b, 40c. Also, the hangrod receiving members 40a, 40b, 40c have a much larger length than the associated adaptor units (neck portions) 28. Thus, an opening formed in the hangrod receiving members 40a, 40b, 40c that extends beyond the length of the associated adaptor units 28 would serve no practical purpose. In other words, any portion of the opening formed beyond the length of the associated adaptor units 28 would not be received by the associated adaptor units.

With respect to the Bogar, Jr. patent, it discloses a support member 12 that includes resilient pads 52 (which the Examiner equates to as the insert of the present invention) received on flanges 54 (which the Examiner equates to as the lugs of the present invention). Assuming for the sake of argument only that the flanges 54 are lugs, one of the flanges 54 is positioned on top of the other flange 54, and there is only one flange 54 per slide element (16 or 18). The Bogar, Jr. patent does not disclose or suggest a slide element (16 or 18) having a **first flange projecting from** a first free, upper end of a prong and a **second flange projecting from** a second free, upper end of the **same** prong. In addition, the flanges 54 are **not** directed toward one another and into the cutout.

The Bogar, Jr. patent does **not** discuss the attachment between the pads and the flanges. In addition, the Bogar, Jr. fails to disclose or suggest an insert of the present invention with a groove terminating **adjacent to** the upper ends, a **first aperture** present at one end of the groove and sized and shaped so as to engage the first lug, and a **second aperture** present at the opposite end of the groove and sized and shaped so as to engage the second lug. Since only one flange 54 is disclosed per slide element, it would be superfluous to modify the Bogar, Jr. pad 52 to include two apertures. The pad 52 is provided merely "to prevent scratching or marring of the finish of a rifle placed within the cradle members 48." (see Col. 4, lines 1 and 2 of the Bogar, Jr. patent). Accordingly, the Bogar, Jr. patent does not disclose or suggest the device recited in amended Claim 1.

In view of the foregoing circumstances, even if it were obvious to combine the rack assembly of the Mayer patent with the rack of the Bogar, Jr. patent, the resulting combination would not result in the present invention, since it would still lack an insert and an adaptor, as recited in amended Claim 1. Accordingly, applicant's attorney respectfully

requests that the Examiner withdraw her rejection based upon the Mayer and Bogar, Jr. patents.

In the foregoing circumstances, it is respectfully submitted that amended Claim 1 is in condition for allowance. Because Claims 2-5 and 12 depend from amended Claim 1, they are also believed to be in condition for allowance.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of pending Claims 1-5, and examination and allowance of Claim 12. If such action cannot be taken, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Enclosed is a Petition for a three-month extension of time to and including June 27, 2008, for which a \$1,050 fee is due. The Petition authorizes the Examiner to charge this \$1,050 fee to Deposit Account No. 503571. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 503571.

Respectfully submitted,



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